

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ajit RAJASEKHARAN, et al.

Application Number: 10/035,952

Filed: December 26, 2001

For: SYSTEM AND METHOD FOR
AUTHORING AND PROVIDING
INFORMATION RELEVANT TO A
PHYSICAL WORLD

Group Art Unit: Unknown

Examiner: Unknown

**SECOND PETITION UNDER 37 C.F.R. § 1.182 FOR APPOINTMENT
OF A POWER OF ATTORNEY BY LESS THAN ALL APPLICANTS**

Attention: Office of Petitions
U.S. Patent and Trademark Office
Washington, D.C. 20231

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OFFICE OF PETITIONS

Sir:

In view of the newly executed Declaration and Power of Attorney document concurrently submitted herewith, Mr. Ajit Rajasekharan ("Applicant") hereby petitions the Commissioner under 37 C.F.R. § 1.182 to accept Applicant's appointment of representation in the above-captioned patent application. Particularly, Applicant requests that the U.S. Patent & Trademark Office (PTO) accept Applicant's power of attorney, which is signed by only one of the two applicants of the present application for the reasons provided below.

To recap the relevant procedural history of the present patent application, a Declaration was filed on behalf of Ms. Rozsa Kovesdi on May 13, 2002, naming Rozsa Kovesdi and Ajit Rajasekharan as joint inventors. Applicant filed a Declaration on June 4, 2002 (Mr. Rajasekharan's "First Declaration"), declaring himself as a joint inventor. See Mr. Rajasekharan's First Declaration, page 1 ("I believe that I am an original, first, and joint inventor of the subject matter to which at least one claim is directed ..."). Emphasis added. However, the inventive entity set forth in Mr. Rajasekharan's First Declaration failed to identify Ms. Kovesdi as a joint inventor.

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Applicant submitted a Petition under 37 C.F.R. § 1.182 on June 4, 2002 (the "First Petition"), to formally join the prosecution under the provisions of MPEP § 402.10. The First Petition was dismissed as moot in the PTO's Decision mailed August 16, 2002, on the grounds that Mr. Rajasekharan's First Declaration does not list the proper inventive entity, and therefore does not comply with 37 C.F.R. § 1.63. Particularly, because Mr. Rajasekharan's First Declaration does not identify the same inventive entity as that set forth in Ms. Kovesdi's Declaration, the PTO contends that Mr. Rajasekharan's First Declaration is improper.

Applicant submits concurrently herewith a newly executed Declaration (Mr. Rajasekharan's "Second Declaration"), which identifies Mr. Rajasekharan and Ms. Kovesdi as the inventive entity. Mr. Rajasekharan's Second Declaration is identical to the First Declaration except that Ms. Kovesdi is now identified in the named inventive entity. The failure to identify Ms. Kovesdi within the inventive entity named in Mr. Rajasekharan's First Declaration was unintentional. Because Mr. Rajasekharan's Second Declaration identifies the same inventive entity as that set forth in Ms. Kovesdi's Declaration, Applicant maintains that this Second Declaration complies with the requirements of 37 C.F.R. § 1.63.

Applicant respectfully requests that the PTO grant the present petition and require that a representative of Ms. Kovesdi and a representative of Mr. Rajasekharan must both sign any subsequent replies in accordance with MPEP § 402.10. Applicant maintains that his rights to the claimed subject matter of the present application are better served by the appointment of representatives other than those appointed by joint applicant, Ms. Rozsa Kovesdi. Particularly, Applicant desires his own representation to prosecute the present application on his behalf because he is the sole inventor of a substantial portion of the presented claims including all independent claims. Allowing Ms. Kovesdi's appointed representative(s) to prosecute the application on the behalf of both Mr. Rajasekharan and Ms. Kovesdi will misrepresent and possibly irreparably harm Mr. Rajasekharan's exclusive rights to the claimed subject matter solely conceived by him.

Check No. 015018 in the amount of \$130.00 is enclosed to cover the petition fee set forth in 37 C.F.R. § 1.17(h). In the event that any variance exists between the amount enclosed and the amount determined by the PTO to consider the present Petition and/or to enter Mr. Rajasekharan's Second Declaration, the Commissioner for Patents is hereby authorized to charge or credit such variance to the undersigned's **Deposit Account No. 50-1640**.

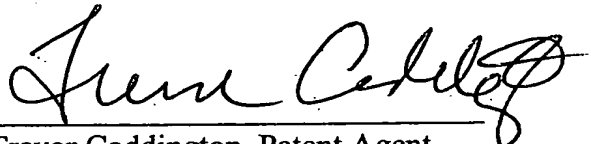
Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

August 23, 2002

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